

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF SOUTH CAROLINA**  
**COLUMBIA DIVISION**

Keith C. Mitchell,	)	
	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Civil Action No. 3:10-2458-MBS-PJG
	)	
	)	<b>ORDER</b>
	)	
United Parcel Service, UPS;	)	
Local 509,	)	
	)	
Defendants.	)	

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Pro Se Plaintiff Keith C. Mitchell filed this action on September 21, 2010, alleging employment claims against Defendant UPS and violation of the collective bargaining agreement against Defendant Local 509. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling.

This matter is before the court on motion for summary judgment filed by Defendant Local 509 on December 28, 2010.<sup>1</sup> On December 29, 2010, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4<sup>th</sup> Cir. 1975), advising Plaintiff of the summary judgment procedures and the possible consequences of failing to respond adequately. Plaintiff filed a response in opposition

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<sup>1</sup>Defendant Local 509 filed a second motion for summary judgment on January 5, 2011. This motion appears to be identical to its first motion for summary judgment but contains different attachments.

to Defendant Local's motions on April 27, 2011.

On August 8, 2011, the Magistrate Judge issued a Report and Recommendation in which she recommended that the court grant Defendant Local 509's motions for summary judgment. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. 261, 270 (1976). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4<sup>th</sup> Cir. 2005).

The court has thoroughly reviewed the record. The court adopts the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. Defendant Local 509's motions for summary judgment are granted. (ECF Nos. 30 and 38.)

IT IS SO ORDERED.

s/Margaret B. Seymour  
United States District Judge

Columbia, South Carolina  
September 9, 2011.

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified of the right to appeal this order  
pursuant to Rules 3 and 4 of the Federal Rules of Appellant Procedure.**